

## Message Text

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PAGE 01 STATE 155712  
ORIGIN L-03

INFO OCT-01 ISO-00 EB-07 CAB-05 DOTE-00 SIG-02 IO-14  
CIAE-00 COME-00 DODE-00 INR-07 NSAE-00 EPG-02  
FAA-00 H-02 SS-15 AF-10 ARA-14 EA-09 EUR-12  
NEA-10 /113 R

DRAFTED BY L/ARA:G.MAY:JV  
APPROVED BY L/ARA:F.WILLIS  
EB/TT/OA/AVP - S. KEITER  
CAB - P. SCHWARZKOPF (PHONE)  
DOT - P. LARSEN (PHONE)  
AF/EPS - L. M. WHITE  
EA/EP - A. GEBER  
EUR/RPE - P. LAASE  
NEA/RA - R. PRICKETT  
ARA/ECP - D. TAHER

-----062222 060055Z /64

R 052055Z JUL 77  
FM SECSTATE WASHDC  
TO AMEMBASSY OTTAWA  
AMCONSUL MONTREAL  
AMEMBASSY LONDON  
AMEMBASSY ATHENS  
AMEMBASSY MADRID  
AMEMBASSY BERN  
AMEMBASSY THE HAGUE  
AMEMBASSY LISBON  
AMEMBASSY BRUSSELS  
AMEMBASSY ROME  
AMEMBASSY OSLO  
AMEMBASSY VIENNA  
AMEMBASSY STOCKHOLM  
AMEMBASSY PARIS  
AMEMBASSY REYKJAVIK  
AMEMBASSY HELSINKI  
AMEMBASSY COPENHAGEN  
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AMEMBASSY BONN  
AMEMBASSY KUALA LUMPUR  
AMEMBASSY JAKARTA  
AMEMBASSY SINGAPORE  
AMEMBASSY BANGKOK  
AMEMBASSY TOKYO  
AMEMBASSY WELLINGTON

AMEMBASSY CANBERRA  
AMEMBASSY MEXICO  
AMEMBASSY CARACAS  
AMEMBASSY BOGOTA  
AMEMBASSY SAN JOSE  
AMEMBASSY GUATEMALA  
AMEMBASSY BRASILIA  
AMEMBASSY LIMA  
AMEMBASSY KINGSTON  
AMEMBASSY PORT OF SPAIN  
AMEMBASSY BRIDGETOWN  
AMEMBASSY BUENOS AIRES  
AMEMBASSY SANTIAGO  
AMEMBASSY NASSAU  
AMEMBASSY NEW DELHI  
AMEMBASSY CAIRO  
AMEMBASSY RABAT  
AMEMBASSY TEHRAN  
AMEMBASSY ABU DHABI  
AMEMBASSY JIDDA  
AMEMBASSY DOHA  
AMEMBASSY KINSHASA  
AMEMBASSY LUSAKA  
AMEMBASSY NAIROBI  
AMEMBASSY LAGOS  
AMEMBASSY ACCRA  
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AMEMBASSY DAKAR

UNCLAS STATE 155712

MONTREAL FOR U.S. REP ICAO

E.O. 11652: N/A

TAGS: EAIR

SUBJECT: REQUEST INFO RELATED TO MONTREAL REVISION OF  
WARSAW CONVENTION

1. SENATE FOREIGN RELATIONS COMMITTEE (SFRC) PLANS HEAR-  
INGS FOR JULY 26 ON MONTREAL PROTOCOLS 3 AND 4, INTER-  
NATIONAL AVIATION TREATIES WHICH AMEND AND UP-DATE THE  
WARSAW CONVENTION. WARSAW CONVENTION IS A WIDELY RATIFIED  
(OVER 100 NATIONS) TREATY ESTABLISHING UNIFORM RULES IN  
INTERNATIONAL AIR TRANSPORTATION FOR AIR CARRIER LIA-  
BILITY IN THE EVENT OF DEATH OR INJURY TO PASSENGERS AND  
BAGGAGE LOSS OR DAMAGE; IT ALSO REGULATES TICKETING PRO-  
CEDURES AND CARRIAGE OF CARGO. MONTREAL PROTOCOLS 3 AND

4 RAISE LIABILITY LIMITS (TO 100,000 SDRS -- ABOUT 115,000 DOLLARS) IN PASSENGER CASES (FROM 10,000 DOLLARS), IMPOSE ABSOLUTE (NO-FAULT) LIABILITY, AND MODERNIZE DOCUMENTATION RULES. A SUPPLEMENTAL COMPENSATION PLAN, AUTHORIZED BY THE NEW TREATIES AND TO BE FUNDED BY A SURCHARGE ON TICKETS PURCHASED IN THE U.S., WOULD PROVIDE FOR SUBSTANTIAL ADDITIONAL RECOVERIES IN PASSENGER CASES INVOLVING AMERICANS OR AMERICAN-BOUGHT TICKETS WHERE DAMAGES EXCEED CARRIER'S LIMIT OF LIABILITY (UP TO 200,000 DOLLARS ADDITIONAL, PLUS UNLIMITED PAYMENTS FOR MEDICAL COSTS). THE PLAN IS PRESENTLY BEFORE THE CIVIL

AERONAUTICS BOARD FOR APPROVAL, AND WE EXPECT THE BOARD'S DECISION IN THE NEAR FUTURE.  
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2. MONTREAL PROTOCOLS ENTER INTO FORCE AFTER 30 STATES RATIFY THEM. SFRC WILL ASK AT HEARINGS WHAT INTEREST OTHER STATES ARE SHOWING IN PROTOCOLS 3 AND 4 AND WHETHER THEY PLAN TO RATIFY. (WE ANTICIPATE AN INTENSIVE EFFORT TO DEFEAT THE PROTOCOLS IN U.S., SPEARHEADED BY PLAINTIFFS' ATTORNEYS WHO HAVE LONG OPPOSED THE WARSAW CONVENTION LIMITS OF LIABILITY AND ADVOCATE DENUNCIATION.) IF WE CANNOT SHOW SPECIFIC PLANS OF OTHER STATES AT THIS STAGE (ALMOST 2 YEARS AFTER ADOPTION OF THE TWO PROTOCOLS), THE CASE FOR U.S. RATIFICATION WILL BE WEAKENED.

3. DEPT. REQUESTS THAT YOU INQUIRE, AS PROMPTLY AS CONVENIENT, AS TO HOST STATE'S VIEWS ON PROTOCOLS 3 AND 4 AND WHAT ACTION THEY INTEND TO OR HAVE TAKEN, SO THAT WE CAN RESPOND FULLY TO SFRC INQUIRY. IF HOST GOVERNMENT INDICATES IT INTENDS TO RATIFY BUT HAS NOT YET SIGNED THE PROTOCOLS, WE WOULD LIKE TO KNOW WHY NOT, SINCE SIGNATURE IMPOSES NO LEGAL OBLIGATIONS BUT IS A SYMBOLIC POSITIVE GESTURE DEMONSTRATING ATTITUDE OF STATE TOWARDS THE PROTOCOLS. U.S. SIGNED BOTH PROTOCOLS AT CONCLUSION OF DIPLOMATIC CONFERENCE IN MONTREAL ON SEPTEMBER 25, 1975.

4. ACTION BY OTHER STATES ON PROTOCOLS, ACCORDING TO DEPT. RECORDS, IS AS FOLLOWS:

A. SIGNED PROTOCOL NO. 3 ON SEPTEMBER 25, 1975:  
BARBADOS; BELGIUM, BRAZIL; GHANA; GUATEMALA; PORTUGAL;  
SWITZERLAND; U.K.; VENEZUELA. ADDITIONAL SIGNATORY:  
DENMARK (DECEMBER 1, 1976).

B. SIGNED PROTOCOL NO. 4 ON SEPTEMBER 25, 1975:  
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BARBADOS; BELGIUM; BRAZIL; EGYPT; GHANA; GUATEMALA;  
PORTUGAL; SWITZERLAND; U.K.; VENEZUELA; YUGOSLAVIA;  
ZAIRE. ADDITIONAL SIGNATORIES: SENEGAL (AUGUST 18, 1976);  
DENMARK (DECEMBER 1, 1976).

5. FOR BELGIUM: SEE SEPTEL THIS SUBJECT.

6. FOR U.S. REP ICAO: DRAW FREELY UPON THIS CABLE TO  
PROVIDE ANY INFORMATION YOU DEEM DESIRABLE TO COUNCIL  
REPS AND ICAO SECRETARIAT. VANCE

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INFO OCT-01 EUR-12 ISO-00 EB-07 /023 R

66011

DRAFTED BY L/ARA:GMAY  
APPROVED BY L/ARA:FWILLIS  
EUR/EE:CWSCHMIDT  
EUR/SOV:JCOLBERT

-----038772 131812Z /40

R 131700Z JUL 77  
FM SECSTATE WASHDC  
TO AMEMBASSY WARSAW  
AMEMBASSY BELGRADE  
AMEMBASSY BUCHAREST  
AMEMBASSY PRAGUE  
AMEMBASSY MOSCOW

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FOLLOWING REPEAT STATE 155712 ACTION OTTAWA MONTREAL LONDON  
ATHENS MADRID BERN THE HAGUE LISBON BRUSSELS ROME OSLO VIENNA  
STOCKHOLM PARIS REYKJAVIK HELSINKI COPENHAGEN BONN  
KUALA LUMPUR JAKARTA SINGAPORE BANGKOK TOKYO WELLINGTON  
CANBERRA MEXICO CARACAS BOGOTA SAN JOSE GUATEMALA BRASILIA  
LIMA KINGSTON PORT OF SPAIN BRIDGETOWN BUENOS AIRES SANTIAGO  
NASSAU NEW DELHI CAIRO RABAT TEHRAN ABU DHABI JIDDA DOHA

KINSHASA LUSAKA NAIROBI LAGOS ACCRA DAKAR JUL 5

QUOTE: UNCLASSTATE 155712

MONTREAL FOR U.S. REP ICAO

E.O. 11652: N/A

TAGS: EAIR

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LIMITS OF LIABILITY AND ADVOCATE DENUNCIATION.) IF WE CANNOT SHOW SPECIFIC PLANS OF OTHER STATES AT THIS STAGE (ALMOST 2 YEARS AFTER ADOPTION OF THE TWO PROTOCOLS), THE CASE FOR U.S. RATIFICATION WILL BE WEAKENED.

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DENMARK (DECEMBER 1, 1976).

B. SIGNED PROTOCOL NO. 4 ON SEPTEMBER 25, 1975:  
BARBADOS; BELGIUM; BRAZIL; EGYPT; GHANA; GUATEMALA;  
PORTUGAL; SWITZERLAND; U.K.; VENEZUELA; YUGOSLAVIA;  
ZAIRE. ADDITIONAL SIGNATORIES: SENEGAL (AUGUST 18, 1976);  
DENMARK (DECEMBER 1, 1976).

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AVIATION AGREEMENTS, US CONGRESSIONAL HEARINGS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Sent Date:** 05-Jul-1977 12:00:00 am  
**Decaption Date:** 01-Jan-1960 12:00:00 am  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01-Jan-1960 12:00:00 am  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** G.MAY:JV  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
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**From:** STATE  
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**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** 18c74271-c288-dd11-92da-001cc4696bcc  
**Office:** ORIGIN L  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 6  
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**Reference:** n/a  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 26-Oct-2004 12:00:00 am  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 1963860  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** REQUEST INFO RELATED TO MONTREAL REVISION OF WARSAW CONVENTION  
**TAGS:** EAIR  
**To:** OTTAWA MONTREAL MULTIPLE  
**Type:** TE  
**vdkgvwkey:** odb://SAS/SAS.dbo.SAS\_Docs/18c74271-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009